

characterized in that said blocking means is located in a frame recess accessible from the rear of said frame.

116. The passive safety mechanism of claim 115 wherein said blocking means acts directly upon a sear catch of said firing element.

117. The passive safety mechanism of claim 115 wherein said blocking means is substantially the same transverse width as said recess.

118. The passive safety mechanism of claim 118 wherein a detachable backstrap provides alignment to said blocking means.

119. The passive safety mechanism of claim 119 wherein a frame mounted positive stop means limits the maximum downward position of said blocking means.

120. The passive safety mechanism of claim 119 wherein said positive stop means is a mandrel for a torsion spring.

#### Remarks

The above claims are being submitted as part of the continuation application. These claims are submitted to be patentable over the art of record in the parent cases for the following reasons.

#### **Khoury Does Not Show a Blocking Means Which Performs an Additional Function**

The last O.A. rejected independent claim 81 on Khoury under Section 102(b). Claim 81 has been rewritten as new claim 101 to more clearly define patentably over this reference. Applicant requests reconsideration of this rejection, as now applicable to claim 101 for the following reasons.

(1) Claim 101 recites a longitudinally slidable firing element and a blocking means, stipulating that said blocking means also performs an additional function. This language represents novel structure and distinguishes over Khoury under Section 102. Unfortunately, the Examiner has asserted that lever (76) of Khoury constitutes a blocking means which performs the additional function of aligning a triggerbar. Applicant respectfully suggests that the Examiner has misinterpreted this reference. Lever (76) cannot legitimately be called a blocking means. At best, lever (76) might be called an unblocking means; however, lever (76) blocks nothing and does not contribute to the blocking of anything. Khoury shows a longitudinally slidable firing element [firing pin (18)] and also shows a genuine blocking means [sliding lock (20) acting with spring (62)]; however, this blocking means performs no additional function whatsoever. Sliding lock (20) and spring (62) serve only to block firing pin (18) and do not guide, align, position, or retain any other component. Counterclockwise rotation of lever (76) forces sliding lock (20) upward and thus unblocks firing pin (18). The converse is not true, i.e., clockwise rotation of lever (76) does not force sliding lock (20) downward to block firing pin (18). Such force is

instead provided by spring (62). Thus, lever (76) does not block or contribute to the blocking of anything and therefore cannot legitimately be called a blocking means. This fact becomes obvious when one realizes that firing pin (18) will remain blocked even if lever (76) is removed from the firearm. Applicant further asserts that lever (76) provides no alignment to triggerbar (46) and does not even contact triggerbar (46). The alignment of triggerbar (46) does not change regardless of the position, or even the total absence, of lever (76). Lever (76) is merely an addition to a fully functional and complete design, the Colt 1911 pistol. The triggerbar of the Colt 1911 pistol remained satisfactorily aligned for 74 years before the emergence of Khoury for the simple reason that lever (76) provides no alignment to the triggerbar.

### **The Rejection of Dependent Claims 83 and 86-87 On Khoury Is Overcome**

Dependent claims 83 and 86-87 were rejected on Khoury under Section 102(b). These claims have been rewritten as claims 103 and 106-107. Applicant requests reconsideration of this rejection, as now applicable to the renumbered claims for the following reasons. Applicant also requests that Examiner advise if any claims dependent on a rejected base claim would be allowable if rewritten in independent form.

- (1) The independent claim upon which these claims are dependent clearly defines patentably over this reference under Section 102. Khoury does not show a blocking means which performs an additional function.
- (2) Claim 83, now claim 103, recites a blocking means which provides a bearing surface for a triggerbar. This is novel structure not shown in Khoury.
- (3) Claim 86, now claim 106, has been rewritten to more clearly differentiate over this reference. Claim 106 recites that an additional part becomes disengaged or misaligned upon removal of the blocking means. This is novel structure believed to be completely unique in basic concept.
- (4) Claim 87, now claim 107, also has been rewritten to more clearly differentiate over Khoury. Claim 107 states that an additional part, other than the blocking means, becomes disengaged upon removal of the connecting means. This is likewise novel structure also believed to be completely unique in basic concept.

### **Meidel Does Not Show a Blocking Means Which Performs an Additional Function**

The last O.A. rejected independent claim 81 on Meidel under Section 102(b). Claim 81 has been rewritten as new claim 101 to more clearly define patentably over this reference. Applicant requests reconsideration of this rejection, as now applicable to claim 101 for the following reasons.

- (1) Claim 101 recites a longitudinally slidable firing element and a blocking means, stipulating that said blocking means also performs an additional function. This language represents novel structure and distinguishes over Meidel under Section 102. Unfortunately, the Examiner has asserted that trigger catch arm (29) of Meidel constitutes a blocking means which performs the

additional function of aligning a triggerbar. Applicant respectfully suggests that the Examiner has misinterpreted this reference. Trigger catch arm (29) cannot legitimately be called a blocking means. At best, trigger catch arm (29) might be called an unblocking means; however, trigger catch arm (29) blocks nothing and does not contribute to the blocking of anything. Meidel shows a longitudinally slidable firing element [firing pin (2)] and also shows a genuine blocking means [rocker (20) acting with spring (24)]; however, this blocking means performs no additional function whatsoever. Rocker (20) and spring (24) serve only to block firing pin (2) and do not guide, align, position, or retain any other component. Upward movement of arm (29) forces rocker (20) out of engagement with firing pin (2) and thus unblocks firing pin (2). The converse is not true, i.e., downward movement of arm (29) does not force rocker (20) into engagement to block firing pin (2). Such force is instead provided by spring (24). Thus, trigger catch arm (29) does not block or contribute to the blocking of anything and therefore cannot legitimately be called a blocking means. This fact becomes obvious when one realizes that firing pin (2) will remain blocked even if arm (29) is removed from the firearm.

### **The Rejection of Dependent Claims 82-83 and 86-87 On Meidel Is Overcome**

Dependent claims 82-83 and 86-87 were rejected on Meidel under Section 102(b). These claims have been rewritten as claims 102-103 and 106-107. Applicant requests reconsideration of this rejection, as now applicable to the renumbered claims for the following reasons. Applicant also requests that Examiner advise if any claims dependent on a rejected base claim would be allowable if rewritten in independent form.

(1) The independent claim upon which these claims are dependent clearly defines patentably over this reference under Section 102. Meidel does not show a blocking means which performs an additional function.

(2) Claims 103 and 106-107 have all been rewritten and all clearly recite novel physical structure.

### **Floyd Does Not Show Blocking of a Longitudinally Slidable Firing Element**

The last O.A. rejected independent claims 93 and 95 on Floyd under Section 102(b). Claims 93 and 95 have been rewritten as new claims 113 and 115 to more clearly define patentably over this reference. Applicant requests reconsideration of this rejection, as now applicable to claims 113 and 115 for the following reasons.

(1) Claim 113 recites a blocking means which blocks a longitudinally slidable firing element. This language represents novel structure and distinguishes over Floyd under Section 102. The firing pin (37) shown in Floyd is longitudinally slidable; however, no blocking means connected to trigger (42) interacts with firing pin (37). The Examiner has somehow interpreted (62) as a blocking means. The copy of Floyd provided by the Examiner is incomplete and does not include pages 1, 3, and 5. Thus, applicant does not know the part name assigned to (62) by Floyd. Review of the drawings strongly suggests that (62) is nothing more than a disconnecter which prevents fully automatic firing by prohibiting sear release when breech block (20) is in the

rearward or open position. Disconnecter (62) has no role in blocking firing pin (37) and is completely incapable of even making contact with firing pin (37). If Examiner believes that disconnecter (62) somehow blocks firing pin (37), applicant respectfully requests an explanation of Examiner's reasoning. Applicant also respectfully requests a complete copy of Floyd regardless of whether or not Examiner continues to cite this reference.

(2) Claim 115 recites a blocking means located in a frame recess accessible from the rear. This language represents novel structure and distinguishes over Floyd under Section 102. As stated earlier, Floyd shows no firing element blocking means.

### **Floyd Does Not Show a Longitudinally Slidable Trigger**

The last O.A. rejected dependent claim 94 on Floyd under Section 102(b). Claim 94 has been rewritten as new claim 114 to more clearly define patentably over this reference. Applicant requests reconsideration of this rejection, as now applicable to claim 114 for the following reasons. Applicant also requests that Examiner advise if any claims dependent on a rejected base claim would be allowable if rewritten in independent form.

(1) The independent claim upon which this claim is based has been rewritten to more clearly define patentably over this reference.

(2) Claim 114 recites a longitudinally slidable trigger. This language represents novel structure and distinguishes over Floyd under Section 102. Floyd does not show such a trigger.

### **Mattarelli Does Not Show Both A Sear and A Blocking Means**

The last O.A. rejected independent claim 95 on Mattarelli under Section 102(b). Claim 95 has been rewritten as new claim 115 to more clearly define patentably over this reference. Applicant requests reconsideration of this rejection, as now applicable to claim 115 for the following reasons.

(1) Claim 115 recites both a sear and a blocking means. This language represents novel structure and distinguishes over Mattarelli under Section 102. Mattarelli does not show both a sear and a blocking means. Cam (13) was interpreted to be a sear by the Examiner. Cam (13) is actually nothing more than the undersurface of external manual safety (9). When safety (9) is placed in the "safe" position, cam (13) acts as a mechanical stop to prevent motion of rocker arm (6) and trigger (7). Cam (13) has no functionality consistent with the purpose of a sear. The sear function is instead performed by trigger lever (4), which the Examiner has somehow chosen to call a blocking means. Regardless of terminology, Mattarelli does not show both a sear and a firing element blocking means because cam (13) is clearly neither a sear nor a blocking means.

### **The Rejection of Dependent Claims 96-100 On Mattarelli Is Overcome**

Dependent claims 96-100 were rejected on Mattarelli under Section 102(b). These claims have been rewritten as claims 116-120. Applicant requests reconsideration of this rejection, as now

applicable to the renumbered claims for the following reasons. Applicant also requests that Examiner advise if any claims dependent on a rejected base claim would be allowable if rewritten in independent form.

- (1) The independent claim upon which these claims are dependent clearly defines patentably over this reference under Section 102. Mattarelli does not show both a sear and a blocking means.
- (2) With regard to claim 96, now claim 116, Mattarelli does not show a blocking means acting on the sear catch of a firing element.
- (3) With regard to claim 98, now claim 118, Mattarelli does not show a detachable backstrap.
- (4) With regard to claim 99, now claim 119, Mattarelli does not show a frame mounted positive stop means.

#### **Previously Approved Claims 88-92 Have Been Renumbered**

Claims 88-92 have been renumbered as claims 108-112.

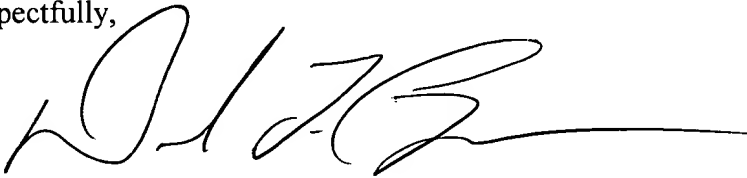
#### **Conclusion**

For all the above reasons, applicant submits that the specification and claims are now in proper form and that the claims all define patentably over the prior art. Therefore, applicant submits that this application is now in condition for allowance, which action is respectfully requested.

#### **Conditional Request for Constructive Assistance**

If for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. 706.03 (d) and 707.07 (j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,



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A handwritten signature in black ink, appearing to read 'D. L. Chapman', with a long horizontal flourish extending to the right.

Daniel L. Chapman, Inventor